

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ALYSON BOTTONI, derivatively  
on behalf of FLUOR  
CORPORATION,

*Plaintiff,*

v.

CARLOS M. HERNANDEZ, D.  
MICHAEL STEUERT, ROBIN K.  
CHOPRA, MATTHEW J.  
MCSORLEY, PETER J. FLUOR,  
ALAN L. BOECKMANN, PETER K.  
BARKER, ROSEMARY T.  
BERKERY, ALAN M. BENNETT,  
ARMANDO J. OLIVERA,  
DEBORAH D. MCWHINNEY,  
MATTHEW K. ROSE, JAMES T.  
HACKETT, DAVID E.  
CONSTABLE, THOMAS C.  
LEPPERT, DAVID T. SEATON,  
BRUCE A. STANSKI, BIGGS C.  
PORTER, GARY G. SMALLEY,  
NADER H. SULTAN, LYNN C.  
SWANN, SAMUEL J. LOCKLEAR  
III, and JOSEPH W. PRUEHER,

*Defendants,*

-and-

FLUOR CORPORATION, a  
Delaware Corporation,

*Nominal Defendant.*

Civil Action No. 3:20-CV-01442-X

JAY LEE, derivatively on behalf of  
FLUOR CORPORATION,

*Plaintiff,*

v.

CARLOS M. HERNANDEZ, D.  
MICHAEL STEUERT, ROBIN K.  
CHOPRA, MATTHEW J.  
MCSORLEY, PETER J. FLUOR,  
ALAN L. BOECKMANN, PETER K.  
BARKER, ROSEMARY T.  
BERKERY, ALAN M. BENNETT,  
ARMANDO J. OLIVERA,  
DEBORAH D. MCWHINNEY,  
MATTHEW K. ROSE, JAMES T.  
HACKETT, DAVID E.  
CONSTABLE, THOMAS C.  
LEPPERT, DAVID T. SEATON,  
BRUCE A. STANSKI, BIGGS C.  
PORTER, GARY G. SMALLEY,  
NADER H. SULTAN, LYNN C.  
SWANN, SAMUEL J. LOCKLEAR  
III, and JOSEPH W. PRUEHER,

*Defendants,*

-and-

FLUOR CORPORATION, a  
Delaware Corporation,

*Nominal Defendant.*

Civil Action No. 3:20-CV-01558-X

JOAN GOODMAN, on behalf of  
herself and derivatively on behalf  
of FLUOR CORPORATION,

*Plaintiff,*

v.

ALAN BOECKMANN, PETER J.  
FLUOR, ROSEMARY T. BERKERY,  
ALAN M. BENNETT, ARMANDO J.  
OLIVERA, MATTHEW K. ROSE,  
JAMES T. HACKETT, DAVID E.  
CONSTABLE, THOMAS C.  
LEPPERT, DAVID T. SEATON,  
CARLOS M. HERNANDEZ, PETER  
K. BARKER, DEBORAH D.  
MCWHINNEY, BIGGS C. PORTER,  
BRUCE A. STANSKI, MATTHEW  
J. MCSORLEY, GARY G.  
SMALLEY, D. MICHAEL  
STEUERT, ROBIN K. CHOPRA,  
STEVEN GITTINS, NADER H.  
SULTAN, JOSEPH W. PRUEHER,  
SAMUEL J. LOCKLEAR III, and  
LYNN C. SWANN,

*Defendants,*

-and-

FLUOR CORPORATION, a  
Delaware Corporation,

*Nominal Defendant.*

Civil Action No. 3:21-CV-00353-X

### **ORDER OF CONSOLIDATION**

Before the Court is a stipulation and proposed order consolidating several related cases. [Doc. No. 14]. In it, the parties appear to set several deadlines for

briefing. The Court reminds the parties that only the Court may set case deadlines. The parties may, in future situations like this, file a motion proposing deadlines.

Additionally, the parties express their desire not to consolidate Civil Case No. 3:18-CV-01338-X, *Chun v. Fluor Corp. et al.* with this suit because its securities fraud claims differ from the derivative claims at issue in these cases. However, the Court is not fully convinced that consolidation is not warranted, because *Chun* and the cases at issue here involve the same defendants and many of the same relevant facts. The Court therefore **ORDERS** the parties to file supplemental briefing detailing further why *Chun* should or should not be consolidated with their cases by May 3, 2021.

The Court construes the parties' stipulation and proposed order as a motion to consolidate cases and **GRANTS** the motion as follows:

1. The following actions are hereby related and consolidated for all purposes, including pre-trial proceedings, trial, and settlement:

<u>Abbreviated Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
<i>Bottoni v. Hernandez, et al.</i>	3:20-cv-01442-X	06/05/2020
<i>Lee v. Hernandez, et al.</i>	3:20-cv-01558-X	06/12/2020
<i>Goodman v. Boeckmann, et al</i>	3:21-cv-00353-X	03/05/2021

2. Every pleading filed in the Consolidated Derivative Action, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE FLUOR CORPORATION  
STOCKHOLDER DERIVATIVE  
LITIGATION

This Document Relates To:

ALL ACTIONS.

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Lead Case No. 3:20-CV-01442-X

(Consolidated with Case Nos. 3:20-  
CV-01558-X and 3:21-CV-00353-X)

3. The files of the Consolidated Derivative Action shall be maintained in one file under Master Docket No. 3:20-cv-01442-X.
4. This Order shall apply to each derivative case arising out of the same or similar transactions and/or events as the Related Actions which is subsequently filed in, remanded to, or transferred to this Court. When a case which properly belongs as part of *In re Fluor Corporation Stockholder Derivative Litigation*, Lead Case No. 3:20-cv-01442-X, is hereafter filed in, remanded to, or transferred to this Court, counsel for the parties shall call such filing, remand, or transfer to the attention of the clerk of this Court for purposes of moving the Court for an order consolidating such case(s). Counsel for the parties will further assist in assuring that counsel for the parties in such subsequent action(s) receive notice of this Order.
5. This Order is without prejudice to any and all defenses which the Defendants may assert in this or any of the above-referenced actions and without prejudice to any and all claims plaintiffs may assert.

6. Opening briefs in support of the anticipated competing motions for appointment of Lead Plaintiff and Lead Counsel shall be filed on **May 10, 2021** and opposition briefs shall be filed on **May 24, 2021**, with no reply briefs to be filed, unless ordered by the Court.
7. Defendants need not respond to the complaints filed in the Related Actions or any other complaint now pending before, or later filed in, remanded to, or transferred to, this Court which arises out of the same or similar facts and allegations as contained in the Related Derivative Actions.
8. Within thirty days (30) days after issuance of an Order appointing Lead Plaintiff and Lead Counsel, Lead Counsel and Counsel for Defendants shall meet and confer regarding scheduling and any other matters, including any joint request, or motion for, a further stay. The parties shall thereafter file a joint status report and proposed scheduling order with the Court within twenty-one (21) days thereafter.

**IT IS SO ORDERED** this 26th day of April, 2021.

A handwritten signature in black ink, appearing to read "Brantley Starr", is written over a horizontal line.

BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE